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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
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11 PAUL DIXON LEWIS,

12 Plaintiff,

13 v.

14 KEN CLARK, *et al.*,

15 Defendants.  
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Case No. 1:20-cv-00120-DAD-JDP

ORDER DENYING PLAINTIFF'S MOTION  
FOR APPOINTMENT OF COUNSEL

ECF No. 11

18 Plaintiff Paul Dixon Lewis, a state prisoner without counsel, brings this action under 42  
19 U.S.C. § 1983. On February 3, 2020, he filed a motion requesting appointment of counsel. ECF  
20 No. 11. He submits that he suffers from a variety of medical ailments, has limited access to the  
21 law library, and cannot afford an attorney. *Id.*

22 Plaintiff does not have a constitutional right to appointed counsel in this action, *see Rand*  
23 *v. Rowland*, 113 F.3d 1520, 1525 (9th Cir. 1997), *withdrawn in part on other grounds on reh'g en*  
24 *banc*, 154 F.3d 952 (9th Cir. 1998), and the court lacks the authority to require an attorney to  
25 represent plaintiff, *see Mallard v. U.S. District Court for the Southern District of Iowa*, 490 U.S.  
26 296, 298 (1989). We may request the voluntary assistance of counsel. *See* 28 U.S.C.  
27 § 1915(e)(1); *Rand*, 113 F.3d at 1525. However, without a means to compensate counsel, the  
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1 court will seek volunteer counsel only in exceptional circumstances. In determining whether such  
2 circumstances exist, “the district court must evaluate both the likelihood of success on the merits  
3 [and] the ability of the [plaintiff] to articulate his claims pro se in light of the complexity of the  
4 legal issues involved.” *Rand*, 113 F.3d at 1525 (internal quotation marks and citations omitted).  
5 We cannot conclude that exceptional circumstances requiring the appointment of counsel are  
6 present here. The issues raised by the complaint are not unusually complicated and, at this stage  
7 of the proceedings, plaintiff has not demonstrated a likelihood of success on the merits.

8 The court may revisit this issue at a later stage of the proceedings if the interests of justice  
9 so require. If plaintiff later renews his request for counsel, he should provide a detailed  
10 explanation of the circumstances that he believes justify appointment of counsel. Accordingly,  
11 plaintiff’s motion for the appointment of counsel, ECF No. 11, is denied without prejudice.

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13 IT IS SO ORDERED.

14 Dated: February 10, 2020

  
UNITED STATES MAGISTRATE JUDGE

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18 No. 205.  
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